

(Del. Rev. 11/14) Pro Se General Complaint Form

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Brittany S McDaniel


*(In the space above enter the full name(s) of the plaintiff(s).)*

**-against-**

Northpointe Bank

*(In the space above enter the full name(s) of the defendant(s).)*

*If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section I. Do not include addresses here.)*

Civ. Action No. 24 - 518   
(To be assigned by Clerk's  
Office)

**COMPLAINT**  
(Pro Se)

Jury Demand?

☒ Yes

☐ No

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

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**I. PARTIES IN THIS COMPLAINT****Plaintiff**

*List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.*

Plaintiff:

McDaniel, Brittany, Sharae  
Name (Last, First, MI)

106 6<sup>B</sup> Ave  
Street Address

New Castle Cnty, New Castle DE, 19720  
County, City State Zip Code

302-220-3147  
Telephone Number

Brittanysmoe@aol.com  
E-mail Address (if available)

**Defendant(s)**

*List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.*

Defendant 1:

Northe Pointe Bank  
Name (Last, First)

5303 28th Street Ct SE  
Street Address

Kent Cnty, Grand Rapids, MI 49548  
County, City State Zip Code

Defendant 2:

\_\_\_\_\_  
Name (Last, First)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
County, City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

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**Defendant(s) Continued**

Defendant 3:

\_\_\_\_\_  
Name (Last, First)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
County, City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Defendant 4:

\_\_\_\_\_  
Name (Last, First)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
County, City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

**II. BASIS FOR JURISDICTION**

*Check the option that best describes the basis for jurisdiction in your case:*

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

12 U.S.C. 2605(c), as well as 12 U.S.C. 2605<sup>(b)</sup>(1),  
12 U.S.C. 2605(d), 12 U.S.C. 2605(e), 12 USC. 2605(g),  
12 U.S.C. 2605(e)(2), 12 U.S.C. 2605(3), 15 U.S.C. 1681s-2(a)

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### III. VENUE

*This court can hear cases arising out of the Counties of New Castle, Kent, and Sussex in the State of Delaware.*

*Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.*

Venue is appropriate in this Court because:

The Sole defendant lives in this State, and district.

### IV. STATEMENT OF CLAIM

Place(s) of  
occurrence:

106 6th Ave, New Castle, De. 19720

Date(s) of occurrence: October 2021 - April 2024

*State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.*

**FACTS:**

What  
happened to  
you?

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Was anyone  
else  
involved?

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Who did  
what?

## STATEMENT OF CLAIM

The 1st issue concerns a late payment on my credit report October 2021. There are a few issues concerning this reporting as well as laws broken. May 2021 our mortgage was sold/transferred to Loancare. In October our loan was sold/transferred back to Northpointe bank. Northpointe bank as the transferee did not provide us with the notification required by law that our mortgage was transferred/sold to them. (12 U.S. Code § 2605 - (c) Notice by transferee of loan servicing at time of transfer) as well as (1) Notice requirement: within 15 days prior to start of servicing). Being that we did not know our servicer had changed again, we sent out payment to Loancare ON TIME. Loancare then sent our payment to Northpointe bank with still no notification to myself or joint tenant. Northpointe bank then sent us a check with no explanation in the amount of our mortgage and then proceeded to begin collection calls, late fees, and reporting a late payment. When we spoke with the collection department and with loancare and the situation was explained, northpointe "waived" the late fee as if doing us a favor and did not remove the late reporting. I sent a letter to Northpointe bank concerning this issue asking for the late payment to be corrected to on time. The letter was ignored. On October 10/30/2023 11:53am, I called and spoke with Northpointe and the representative confirmed the letter was received and she would be looking into it. I heard nothing back and as of March 1<sup>st</sup> 2023 was still showing this late payment. When a mortgage is transferred payments may not be reported late for the 1st 60 days in this situation pursuant to 12 USC 2605 (d) (treatment of loan payments during transfer period) in which they both added a late fee and reported a late. After written and verbal notice of this issue northpointe bank still refused to correct the error which is ALSO a FCRA VIOLATION Responsibilities of furnishers of information to consumer reporting agencies (15 U.S.C. 1681s-2)(A), (B), (2), (3), and (E). In fact they refused to respond at all which is yet ANOTHER violation of the law...(12 U.S.C. 2605 (e) Duty of loan servicer to respond to borrower inquiries.)



The 2nd part of this complaint concerns our Escrow. We received a bill concerning our property taxes becoming due. The due date on this bill was in 3 calendar days. We make payments in our mortgage for escrow to handle this bill. Oct 30 2023 I called and was reassured the bill would be handled. I was sent an email where I was asked to upload the actual bill, which I did immediately. February 2024 we received a delinquency notice from the county for our property taxes. This time pointing out that our house will have a lien put on it and the penalties up to the sale of our home for unpaid taxes.

The bill was not paid until 3 months past due, not until AFTER a FDIC complaint was filed. This is yet another a violation of the law. ((g)Administration of escrow accounts). Allowable by law equaling \$2000. These violations may also be found in 12 Code of Regulation part 1024 (RESPA).

Even though Northpointe Bank was contacted via telephone and in writing of these issues, it was not until AFTER I filed a CFPB and FDIC complaint that any communication from Northpointe was received. Only AFTER I filed the complaint were our property taxes paid. I was notified in February via email from a Northpointe representative, AFTER the delinquency notice was received that my taxes were paid 1/31/2024. At this time our credit was still negatively reporting this 30 day late. I advised the rep and she responded that she had no record of the late and insisted I show proof. Once I provided the proof of the late reporting via email, the late was finally corrected to current.



These violations are not only against myself, but my co borrower as well Marvin Hawkins. That being said This is an attempt to cure for both parties not just myself as this would double the allowable amount per violation, Mr. Hawkins is not currently available as he is working in Florida.

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**V. INJURIES**

*If you sustained injuries related to the events alleged above, describe them here.*

Credit was damaged By the Inaccurate Credit  
Reporting. Aside from all the stress & time  
going into rectifying these situations.

**VI. RELIEF**

The relief I want the court to order is:

☒ Money damages in the amount of: \$ 28,000

☐ Other (explain):

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**VII. CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

4/25/2024

Dated



Plaintiff's Signature

McDaniel, Brittany, Sharae

Printed Name (Last, First, MI)

106 6<sup>th</sup> Ave

Address

New Castle, DE

City

DE

State

19720

Zip Code

302 220 3147

Telephone Number

BrittanySm06@aol.com

E-mail Address (if available)

*List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.*

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**